



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.17593 of 2020

P.Ammasai

... Petitioner

Vs.

The Director General  
Highways Department  
HRS Campus  
76, Sardhar Patel Road  
Guindy, Chennai-600 025.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondent herein to consider the petitioner's representation dated 21.09.2020 seeking for considering his case for appointment to the post of Assistant Draughtsman by way of recruitment by transfer within a time frame as fixed by this Court.

For Petitioner : Mr. Premnarayan  
For M.Padmavathy

For Respondent : Mr.T.Arunkumar  
Additional Government Pleader

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. According to the writ petitioner, the petitioner initially joined the service as Salai Paniyalar on 25.08.1998 and thereafter, he was appointed as Gang Mazdoor in the year 2015. He joined the course of Diploma in Civil Engineering after obtaining proper permission from his higher authorities and completed the course in 2018. Therefore, he is entitled for the post of Assistant Draughtsman, in the light of the G.O



Ms.No.596 Public Works (HM.1) Department dated 13.04.1993. Hence, he made a representation on 15.07.2019 and 21.09.2020 and the same is still pending without passing any order. Hence the present writ petition.

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3. In the counter affidavit filed by the respondent, it is stated that the petitioner has acquired his qualification only in October 2018 and therefore, he may be considered as and when fresh promotions are made in future, based on availability of vacancies, if he is otherwise qualified and if there is no other legal impediment. Therefore, the petition is liable to be dismissed on the ground of premature litigation.

4. However, it is submitted by the learned counsel for the petitioner that the petitioner is not seeking for promotion with retrospective effect, he is only seeking for promotion in the future vacancies.

5. Recording the said statement of the learned counsel for the petitioner and in the light of the above submissions made by the parties, this Court is inclined to direct the respondent to consider the petitioner's name in the future vacancies, if any for promotion to the post of Assistant Draughtsman, if he is otherwise eligible.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

The Director General  
Highways Department  
HRS Campus, 76, Sardhar Patel Road  
Guindy, Chennai-600 025.

+1cc to M/s.M.Padmavathy, Advocate, S.R.No.35011

+1cc to the Government Pleader, S.R.No.35541

W.P.No.17593 of 2020

NRL(CO)  
UMA(06/07/2022)